

FILED

2009 DEC 18 AM 9:40

BEVERLY BRAHE
CLERK OF SUPERIOR COURT
YUMA, AZ 85301

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YUMA

In the Matter of:

**REVISION OF CALENDAR
ASSIGNMENTS AND REVISION
OF CASE ASSIGNMENTS FOR
THE SUPERIOR COURT IN
YUMA COUNTY, ARIZONA.**

Administrative Order

NO. 2009-10

This Administrative Order supersedes and take the place of Administrative Order No. 2007-22 filed December 20, 2007, and Administrative Order No. 2009-05 filed June 11, 2009.

The Superior Court in Yuma County wants to maintain its effective caseload management system. Case disposition statistics and best practices dictate that in order for the courts to maintain effective disposition of felonies, and to effect timely disposition of all other cases, that assignment of criminal, civil, domestic relations, juvenile, guardianship and conservatorship, probate, mental health, adoption, and other proceedings among the different Divisions/Commissioners of the Yuma County Superior Court be changed consistent with this Administrative Order.

IT IS THEREFORE ORDERED that effective February 1, 2010, and until further order of the Presiding Judge, the following assignments are made for the Judges and Commissioners of the Yuma County Superior Court:

- (1) Mark Wayne Reeves is assigned to Division One;
- (2) John Paul Plante is assigned to Division Two;
- (3) Larry Kenworthy is assigned to Division Three;
- (4) Andrew W. Gould is assigned to Division Four;
- (5) John N. Nelson is assigned to Division Five;
- (6) Maria Elena Cruz is assigned to Division Six;
- (7) Kathryn Stocking-Tate is assigned as Commissioner One;
- (8) Denise D. Gaumont is assigned as Commissioner Two; and
- (9) Lisa W. Bleich is assigned as Commissioner Three.

IT IS FURTHER ORDERED effective February 1, 2010, and until further order of the Presiding Judge:

- (1) All cases previously assigned to the Honorable Tom C. Cole, Division One, and currently assigned to the Honorable Mark Wayne Reeves, Division One, shall continue to be assigned to The Honorable Mark Wayne Reeves, Division One;
- (2) All cases previously assigned to the Honorable John N. Nelson, Division Two, and currently assigned to the Honorable John Paul Plante, Division Two, shall now be assigned to the Honorable Maria Elena Cruz, Division Six, with the exception of probate, guardianship and conservatorship cases assignments addressed below, and with the exception of any domestic relations cases assigned to the Honorable John Paul Plante, Division Two, between the dates of July 23, 2007 and December 31, 2009, which domestic relations cases shall remain assigned to the Honorable John Paul Plante, Division Two;
- (3) All cases previously assigned to the Honorable Richard W. Donato, Division Three, and currently assigned to the Honorable Larry Kenworthy, Division Three, shall continue to be assigned to the Honorable Larry Kenworthy, Division Three, with the exception of mental health case assignments and sexually violent person civil case assignments addressed below;
- (4) All cases previously assigned to the Honorable Philip L. Hall, Division Four, and currently assigned the Honorable Andrew W. Gould, Division Four, shall continue to be assigned to the Honorable Andrew W. Gould, Division Four;
- (5) All cases currently assigned to the Honorable John N. Nelson, Division Five, shall continue to be assigned to the Honorable John N. Nelson, Division Five;

- (6) All juvenile court cases currently assigned to the Honorable Maria Elena Cruz, Division Six, shall now be assigned to the Honorable Denise D. Gaumont, Commissioner Two. All superior court cases currently assigned to the Honorable Maria Elena Cruz, Division Six, shall continue to be assigned to the Honorable Maria Elena Cruz, Division Six;
- (7) All cases currently assigned to the Honorable Kathryn Stocking-Tate, Commissioner One, shall continue to be assigned to the Honorable Kathryn Stocking-Tate, Commissioner One;
- (8) All domestic relations cases currently assigned to the Honorable Denise D. Gaumont, Commissioner Two, shall now be assigned to the Honorable John Paul Plante, Division Two.
- (9) All IV-D child support cases currently assigned to the Honorable Lisa W. Bleich, Commissioner Three, shall now be assigned to the Honorable Denise D. Gaumont, Commissioner Two.

Effective May 7, 2001, all felony criminal complaints filed in justice court were ordered to be assigned to a Superior Court Division on a rotation basis in justice court as set forth in paragraphs numbered (1) and (2) below.

- “(1) The first felony complaint filed on Monday, May 7, 2001 shall be assigned to Division One. Thereafter, each felony complaint filed shall be assigned to the next sequentially numbered Division, e.g., Division Two, then Division Three, then Division Four, and starting over again with Division One.
- (2) Fugitive felony complaints shall not be assigned to a Superior Court Division.”

IT IS FURTHER ORDERED effective February 1, 2010, that these felony criminal complaints shall be assigned as set forth above, except that Division Six shall added into the rotation. The rotation shall now be Division One, Division Two, Division Three, Division Four, and Division Six.

In April, 2002, the Yuma County Attorney's Office instituted a policy of filing one complaint per defendant in Justice Court which resulted in co-defendants being assigned to separate Superior Court Divisions. In order for co-defendant cases to be assigned to the same Superior Court Division,

IT IS ORDERED that effective February 1, 2010, and until further order of the Presiding Judge, all felony criminal complaints filed in Justice Court shall continue to be assigned to a

Superior Court Division as set forth above, and that co-defendant cases shall continue to be assigned to the same Superior Court Division. In order to facilitate this procedure, the Yuma County Attorney's Office shall continue to file a Notice of Filing Co-Defendant Complaints when filing co-defendant cases in Justice Court.

IT IS FURTHER ORDERED that if a criminal case originates in a manner other than by way of a felony complaint being filed in Justice Court, such as by way of a Direct Indictment, Lower Court Appeal, or Juvenile Transfer, the Clerk of the Superior Court shall assign those cases as follows:

- (1) All numbered cases, the last two digits of which number end in 00 and 01, to Division One;
- (2) All numbered cases, the last two digits of which number end in 02 and 03, to Division Two;
- (3) All numbered cases, the last two digits of which number end in 04 and 05, to Division Three;
- (4) All numbered cases, the last two digits of which number end in 06 and 07, to Division Four; and
- (5) All numbered cases, the last two digits of which number end in 08 and 09, to Division Six.

IT IS FURTHER ORDERED that all pleadings, minutes entries, notices and orders filed by an interested party in a Superior Court case shall reflect, immediately beneath the case number, the Division number to which the case has been assigned.

IT IS FURTHER ORDERED that all pending criminal cases with warrants outstanding that are currently assigned to a judge other than those designated in Division One, Division Two, Division Three, Division Four, and Division Six above, shall be assigned to divisions according to the numbering system set forth above and made a part of this administrative order for criminal cases.

IT IS FURTHER ORDERED that all criminal cases in which a defendant was originally sentenced by a judge who is active and sitting as designated in Division One, Division Two, Division Three, Division Four, and Division Six above, shall be assigned to that judge. Such assignment shall include, but not be limited to, petitions for violation of probation, petitions for

restoration of civil rights, and petitions to modify conditions of probation.

IT IS FURTHER ORDERED that all criminal cases in which a defendant was originally sentenced by a judge who is active and sitting as designated in Divisions One through Six above, or by Commissioner One, Commissioner Two or Commissioner Three as designated above, shall be assigned to that judge for all petition for post-conviction relief proceedings.

IT IS FURTHER ORDERED that all criminal cases in which a defendant was originally sentenced by a judge other than those designated in Division One, Division Two, Division Three, Division Four or Division Six above, shall be assigned to divisions according to the numbering system set forth above and made a part of this administrative order for criminal cases. Such assignment shall include, but not be limited to, petitions for violation of probation, petitions for restoration of civil rights, petitions to modify conditions of probation, and petitions for post-conviction relief proceedings.

IT IS ORDERED that effective with cases filed beginning February 1, 2010, and until further order of the Presiding Judge, all civil cases shall be assigned as follows:

- (1) All numbered cases, the last two digits of which number end in 00 and 01, to Division One;
- (2) All numbered cases, the last two digits of which number end in 02 and 03, to Division Three;
- (3) All numbered cases, the last two digits of which number end of 04 and 05, to Division Four;
- (4) All numbered cases, the last two digits of which number end in 06 and 07, to Division Six; and
- (5) All numbered cases, the last two digits of which number end in 08 and 09, to Commissioner Three.

IT IS ORDERED that effective with cases filed beginning February 1, 2010, and until further order of the Presiding Judge:

- (1) All "election contest" cases shall be assigned to Division One; and
- (2) Any "election contest" cases filed prior to February 1, 2010, that come before the court for hearing or review after February 1, 2010, shall be automatically reassigned to Division One; and

- (3) Division One of the Superior Court in Yuma County is hereby designated the "election division" of the Superior Court in Yuma County.

IT IS ORDERED that effective with cases filed beginning February 1, 2010, and until further order of the Presiding Judge:

- (1) All mental health cases shall be assigned to Division Two; and
- (2) Any mental health cases filed prior to February 1, 2010, that come before the court for hearing or review after February 1, 2010, shall continue to be automatically reassigned to Division Two.

IT IS ORDERED that effective with cases filed beginning February 1, 2010, and until further order of the Presiding Judge:

- (1) All civil cases where a petition has been filed seeking an order of the court to detain a person as a Sexually Violent Person pursuant to the Sexually Violent Persons Act, ARS §§36-3701 through 36-3716, shall continue to be assigned to Division Two; and
- (2) Any civil cases where a petition has been filed prior to February 1, 2010, seeking an order of the court to detain a person as a Sexually Violent Person pursuant to the Sexually Violent Persons Act, ARS §§36-3701 through 36-3716, that come before the court for hearing or review after February 1, 2010, shall continue to be automatically assigned to Division Two.

IT IS ORDERED that effective with cases filed beginning February 1, 2010, and until further order of the Presiding Judge:

- (1) All adoption cases shall continue to be assigned to Division Five; and
- (2) Any adoption cases filed prior to February 1, 2010, that come before the court for hearing or review after February 1, 2010, shall continue to be automatically reassigned to Division Five.

IT IS ORDERED that effective with cases filed beginning February 1, 2010, and until further order of the Presiding Judge:

- (1) All probate cases shall be assigned on a rotation basis to Division Three and to Commissioner One with all odd numbered cases being assigned to Division Three and all even numbered cases being assigned to Commissioner One; and
- (2) Any probate cases filed prior to February 1, 2010, that come on before the court for hearing or review after February 1, 2010, shall be automatically assigned on a rotation basis to Division Three and Commissioner One, with all odd numbered cases being assigned to Division Three and all even numbered cases being assigned to Commissioner One.

IT IS ORDERED that effective with cases filed beginning February 1, 2010, and until further order of the Presiding Judge:

- (1) All guardianship and conservatorship cases shall be assigned on a rotation basis to Division Three and Commissioner One, with all odd numbered cases being assigned to Division Three and all even numbered cases being assigned to Commissioner One; and
- (2) Any guardianship and conservatorship cases filed prior to February 1, 2010, that come on before the court for hearing or review after February 1, 2010, shall be automatically assigned on a rotation basis to Division Three and to Commissioner One, with all odd numbered cases being assigned to Division Three and all even numbered cases being assigned to Commissioner One.

IT IS ORDERED effective with cases filed beginning February 1, 2010, and until further order of the Presiding Judge, all domestic relations cases, except Title IV-D cases addressed below, shall be assigned as follows:

- (1) All odd numbered cases shall be assigned to Commissioner One; and
- (2) All even numbered cases shall be assigned to Division Two; and
- (3) Any domestic relations cases, except Title IV-D cases addressed below, filed prior to February 1, 2010, that come on before the court for hearing or review after February 1, 2010, shall be automatically assigned to Commissioner One and Division Two as set forth in (1) and (2) above; and
- (4) All Title IV(D) child support actions initiated by the Arizona Attorney General's Office shall be assigned to Commissioner Two; and
- (5) Any Title IV(D) child support actions initiated by the Arizona Attorney General's Office filed prior to February 1, 2010, that come before the court for hearing or review after February 1, 2010, and after, shall be automatically assigned to Commissioner Two; and
- (6) Any Title IV(D) cases assigned as set forth in (4) & (5) above, that come before the court for hearing on some issue other than child support, shall be assigned to Commissioner Three for those contested issues. These hearings would include, but not be limited to, a visitation issue, a custody issue, or a change of custody issue.

IT IS ORDERED that all cases in the Juvenile Division of the Yuma Superior Court shall be assigned to Division Five and Commissioner Two.

IT IS ORDERED that all cases of the Adult Drug Court shall be assigned to Division One and Division Four. Division One Drug Court shall be heard on

Fridays and Division Four Drug Court shall be heard on Mondays.

IT IS ORDERED effective July 1, 2010, and until further order of the court, that Division Six shall be assigned the Monday Adult Drug Court.

IT IS ORDERED effective February 1, 2010, and until further order of the Presiding Judge, Commissioner Three shall hear all domestic relations default actions on Wednesdays commencing at 1:30 p.m.

IT IS ORDERED effective February 1, 2010, and until further order of the Presiding Judge, all Title IV(D) child support actions initiated by the Arizona Attorney General's Office shall be heard by Commissioner Two on Thursdays commencing at 8:30 a.m.

IT IS ORDERED effective February 1, 2010, and until further order of the Presiding Judge, all Arraignments shall be heard by Division Two on Fridays commencing at 1:30 p.m., unless the date and time is rescheduled by order of the court.

IT IS ORDERED beginning February 1, 2010, and until further order of this court, all Motions to Review Conditions of Release shall be heard by Division Two on Fridays commencing at 2:30 p.m., unless the date and time is rescheduled by order of the court.

IT IS ORDERED effective February 1, 2010, all order of protection hearings shall be heard by the division/commissioner, to whom they are assigned.

IT IS ORDERED beginning February 1, 2010, and until further order of the presiding judge, the administrative duties and responsibilities of calling and impaneling grand juries by the Superior Court in Yuma County, and hearings regarding grand jury presentments shall, in addition to the presiding judge, be assigned to Division Two. Division Two shall assume the primary assignment of all matters pertaining to a grand jury requiring the attention of a Superior Court judge in Yuma County.

Notwithstanding the foregoing judicial assignments, during the absence or unavailability of any Superior Court Judge, another Superior Court Judge may be substituted in his or her place.

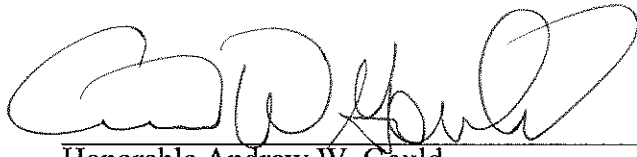
IT IS ORDERED effective February 1, 2010, and until further order of the Presiding

Judge, the criminal calendars shall be held as follows:

- (1) Divisions One and Four on Tuesday and Thursday mornings commencing at 8:30 a.m.; and
- (2) Divisions Two, Three and Six on Wednesday and Friday mornings commencing at 8:30 a.m.

IT IS ORDERED that Law and Motion Day shall continue to be the first working day of each week, with proceedings being held on that day unless otherwise set by the Judge assigned to a particular case.

DATED this 18th day of December, 2009.



Honorable Andrew W. Gould
Presiding Judge

Copies to:

Hon. Andrew W. Gould
Hon. Mark Wayne Reeves
Hon. John N. Nelson
Hon. John Paul Plante
Hon. Larry Kenworthy
Hon. Maria Elena Cruz
Hon. Kathryn Stocking-Tate
Hon. Denise D. Gaumont
Hon. Lisa W. Bleich
Hon. Manuel Figueroa, c/o Justice Court Precinct One
Hon. Jorge A. Lozano
Hon. Cora Romine
Hon. Beverly Frame, Clerk of the Superior Court
Margaret C. Guidero, Court Administrator
Steve Hardy, Chief Adult Probation Officer
Tim Hardy, Director of Juvenile Court Services
Jon Smith, Yuma County Attorney
Michael Breeze, Yuma Public Defender
Jose de la Vara, Yuma Legal Defender
Ronald F. Jones, Conflict Administrator
Jane E. Pray, Caseflow Manager
Yuma County Bar
Arizona Attorney General's Office, Child Support Enforcement Division
Nancy Gray-Eade, Conciliation Court Director